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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

May 17, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, D.C. 20554

EX PARTE SUBMISSION

Re: In the Matter of Communications Assistance for Law  
Enforcement Act, CC Docket No. 97-213

Dear Ms. Salas:

The Telecommunications Industry Association (TIA) respectfully requests that the enclosed *Second Status Report* be included in the record of the above-captioned proceeding. An original and two copies of this filing are submitted, pursuant to 47 C.F.R. § 1.1206. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink that reads "Derek R. Khlopin".

Derek R. Khlopin  
Regulatory Counsel

encl.

No. of Copies rec'd 0+2  
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May 17, 2000

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.,  
Washington, DC 20554

**SECOND STATUS REPORT**

**Re: In the Matter of Communications Assistance for Law  
Enforcement Act, CC Docket No. 97-213**

Dear Chairman Kennard:

The Telecommunications Industry Association ("TIA") respectfully submits the following update on its progress in implementing the two responsibilities entrusted to TIA in the Commission's *Third Report and Order*.<sup>1</sup> TIA is pleased to report that – since its last status report on December 23, 1999 – it has completed one of the Commission's requests and has made substantial progress toward fulfilling the second.

In its *Third Report and Order*, the Commission asked TIA to undertake two tasks to expedite implementation of CALEA. First, the Commission "remand[ed] the interim standard [J-STD-025] to Subcommittee TR 45.2 of the TIA to make the necessary technical modifications in accord with our findings."<sup>2</sup> Citing the Subcommittee's broad technical expertise and representation, the Commission felt that these "technical modifications can be most efficiently implemented by permitting the Subcommittee to make the modifications."<sup>3</sup> TIA is pleased to report that Subcommittee TR 45.2 has completed the revision work and that the revised standard – known as J-STD-025A – has been sent to the publisher (Global Engineering Documents) for publication.

Second, the Commission "invited TIA to study CALEA solutions for packet-mode technology and report to the Commission in one year on steps that can be taken, including

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<sup>1</sup> In the Matter of Communications Assistance for Law Enforcement Act, *Third Report and Order*, CC Docket No. 97-213, FCC 99-230 (rel. August 31, 1999) ("Third Report & Order").

<sup>2</sup> Third Report & Order, ¶ 128.

<sup>3</sup> *Id.*

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particular amendments to J-STD-025, that will better address privacy concerns.”<sup>4</sup> As TIA mentioned in its previous status report to the Commission, it has drawn on the technical expertise of its various standards committees, asking them to provide input to this study. In order to expand the technical expertise contributing to the packet data study, however, TIA has also invited a broad variety of packet-oriented technical groups to participate in a Joint Experts Meeting (“JEM”). The first session of this JEM was held on May 3-5, 2000; TIA was pleased that a representative of the Commission’s Office of Engineering and Technology was able to participate. A second session of the JEM will be held later this summer and TIA is hopeful that a Commission representative will be able to participate in that session as well.

## **I. Standardization**

TIA appreciates the confidence expressed by the Commission in remanding to TIA’s Engineering Subcommittee TR 45.2 the responsibility for revising J-STD-025. Through the enormous contribution of all parties involved, the Subcommittee was able to complete this work within the ambitious timetable suggested by the Commission. The revised standard (J-STD-025A) has been sent out for publication and should be available from the publisher shortly.

As the Commission is aware from previous submissions by TIA, TR 45.2 has taken the responsibility entrusted to it by the Commission very seriously.<sup>5</sup> Anticipating the Commission’s delegation, TR 45.2 put in place the framework to conduct this technical work as early as December 1998 – establishing a new project number (PN) for the revision. The Lawfully Authorized Electronic Surveillance (“LAES”) working group was reconvened to undertake the standardization effort – consisting of representatives from law enforcement, wireless and wireline telecommunications carriers, and switch manufacturers.<sup>6</sup> The LAES working group held a conference call immediately after the release of the Commission’s *Third Report and Order* and had its first face-to-face meeting less than three weeks later, on September 22-24.

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<sup>4</sup> Third Report & Order, ¶ 55.

<sup>5</sup> See generally, Comments of the Telecommunications Industry Association, CC Docket No. 97-213 (December 14, 1998); Reply Comments of the Telecommunications Industry Association, CC Docket No. 97-213 (January 27, 1999); Ex Parte Notice by the Telecommunications Industry Association, CC Docket No. 97-213 (July 12, 1999); Status Report by the Telecommunications Industry Association, CC Docket No. 97-213 (December 23, 1999).

<sup>6</sup> As always, participation on the working group was open to any party with a “direct and material interest in a Standard.” Such groups could have participated by applying to TIA and paying the appropriate “non-member engineering participation fee.” See TIA Comments, at 10-11 (referencing TIA’s Engineering Manual).

Unlike the previous standards effort that formulated J-STD-025, the revision effort was marked by a high-level of cooperation and compromise between representatives of industry and law enforcement. There were few substantial technical or legal disagreements and the working group worked hard to resolve any disputes that did arise. TIA appreciates the hard work and dedication of all participants, which allowed the LAES working group to complete its work in record time. Particular recognition is deserved for the co-chairs of the working group – Ms. Terri Brooks (Nokia) and Mr. Gary Pellegrino (Bell Atlantic Mobile) – and the group’s editor, Ms. Brye Bonner (Motorola). Their leadership was instrumental in maintaining a spirit of cooperation and in keeping the working group on its aggressive schedule.

In its *Third Report and Order*, the Commission had suggested an ambitious goal for the working group to complete its revision work by March 30, 2000.<sup>7</sup> In order to meet this goal, the working group held monthly face-to-face meetings, as well as numerous conference calls. The following is the schedule of meetings held by the LAES working group:

September 22-24, 1999	Completed Stage 1 text
October 22-24, 1999	Worked on Stage 2 text
November 15-17, 1999	Completed Stage 2 text
December 6-7, 1999	Completed Stage 3 text
January 19-21, 2000	Verification and Validation
February 1-March 3, 2000	Ballot period
March 22-24, 2000	Ballot Review & Approval for Publication

As TIA noted in its previous status report, the LAES working group completed the substantive revisions to the text by the end of December – well before the Commission’s March goal. At its January meeting, the group conducted a detailed, line-by-line edit of the standard (“verification and validation”) and approved the text for ballot. Because J-STD-025 is a joint standard sponsored by both TIA and Committee T1 of the Alliance for Telecommunications Industry Solutions (“ATIS”), the revisions to J-STD-025 were balloted by both entities. Balloting closed at the beginning of March.

At its last meeting (March 22-24), the LAES working group reviewed the more than 50 ballots that were submitted on J-STD-025A. As the Commission may recall, voting parties can respond in three ways to a standard: affirmative, affirmative with comments and negative with comments. Of the more than 50 ballots received on J-STD-025A, *none opposed the revised standard*. Several parties (including the Federal Bureau of Investigation) did file technical comments and, over the course of three days, the working group carefully evaluated and resolved

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<sup>7</sup> Third Report & Order, ¶ 128.

each of these comments. By the end of the meeting, the LAES working group had resolved all of these comments and approved the document for publication.

TIA has received the final, revised document from the working group and sent J-STD-025A to its standards publisher (Global Engineering Documents) for publication. A published version of J-STD-025A should be available shortly.

## **II. Packet Data Report**

TIA also has made considerable progress in preparing the study requested by the Commission on "CALEA solutions for packet-mode technology." As mentioned in TIA's previous status report, it has formed a working group – drawing on the expertise of its standards committees – to provide technical input to this study. The working group, chaired by representatives from AT&T and GTE, have sought information from all relevant TIA standards committees – such as TR 41.3.3 ("Voice-Over-Internet Protocol Transmission Performance"), TR 45.2 ("Wireless Intersystem Technology"), and TR 45.6 ("Adjunct Wireless Packet Data Technology").

TIA fully realizes that the scope of the Commission's request is expansive and calls for expertise that may not completely reside in the TIA standards committees. Accordingly, in order to expand the technical expertise contributing to this study and to ensure as thorough an analysis as possible, TIA invited a broad range of other packet-oriented technical groups (such as the Internet Engineering Task Force ("IETF"), the ATM Forum, Committee T1-P1, PCIA's Paging Technical Committee, and the Wireless Data Forum) to participate in a Joint Experts Meeting ("JEM").<sup>8</sup>

The first session of this JEM was held in Las Vegas on May 3-5, 2000. The JEM was well attended – including representatives from the Federal Bureau of Investigation and the Center for Democracy and Technology. TIA was particularly pleased that a representative of the Commission's Office of Engineering and Technology was able to participate in the session. A second session will be held during the summer to permit the JEM to complete its work. TIA is hopeful that a Commission representative will also be able to attend that session and will notify the Commission as soon as the JEM's steering committee selects a final date and location for that session.

TIA views its mandate from the Commission (and the purpose of the JEM) to be fairly narrow – to discuss the technical issues raised by the Commission and to seek contributions that

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<sup>8</sup> See February 25, 2000 Letter of Invitation from Mr. Dan Bart, Vice President of Standards and Technology (Attachment A).

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May 17, 2000  
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can be incorporated in the eventual study that TIA will draft. The JEM and TIA's report will not address legal issues such as what constitutes call-identifying data or whether particular technologies are covered or not by CALEA. TIA views those legal questions as outside of the scope of the Commission's request.

TIA will keep the Commission apprised of the progress of the JEM and hopes to forward its final report to the Commission as soon as possible.

### **III. Conclusion**

TIA appreciates the responsibilities entrusted to it by the Commission. TIA is proud of Subcommittee TR 45.2's hard work in completing a detailed set of technical revisions to J-STD-025 within the Commission's ambitious schedule. TIA looks forward to completing the Commission's second request in an equally expeditious manner and will keep the Commission apprised of its progress. In the meantime, if you have any questions, please do not hesitate to contact Grant Seiffert, Vice President, Government Relations at 202.383.1483.

Pursuant to 47 C.F.R. § 1.1206, copies of this status report will be filed with the Commission's Secretary. TIA is also providing copies of this letter to several of the Commission staff involved in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew J. Flanigan". The signature is fluid and cursive, with a large, stylized "M" and "F".

Matthew J. Flanigan  
President

cc (w/encl.): The Honorable Harold Furchtgott-Roth  
The Honorable Susan Ness  
The Honorable Michael Powell  
The Honorable Gloria Tristani



February 25, 2000

## ***LETTER OF INVITATION***

To: Invited Organizations  
[Attachment A]

The purpose of this letter is to invite your organization to contribute to a Joint Experts' Meeting (JEM) to be convened on May 3-5, 2000, under the auspices of the Telecommunications Industry Association (TIA). The Federal Communications Commission (FCC) invited TIA to report to it by September 30, 2000 regarding certain technical and privacy concerns in packet-mode communications associated with lawfully authorized electronic surveillance under the Communications Assistance for Law Enforcement Act (CALEA). The JEM is being convened to assist TIA in this effort.

Specifically, the JEM will serve as a technical fact-finding body across the spectrum of packet-mode communication technologies to determine the feasibility of delivering less than the full content of a packet (*i.e.*, addressing information) to law enforcement in response to a pen register order.

The scope of the JEM includes reporting, at a minimum, on the following packet-mode technologies: Time Division Multiple Access (TDMA)-supported packet (based on evolution of TIA/EIA-136), Code Division Multiple Access (CDMA)-supported packet (based on evolution of TIA/EIA-95), Personal Communications Services-PCS 1900/Global System for Mobile (GSM)-supported packet, Cellular Digital Packet Data (CDPD), X.25, Integrated Services Digital Network (ISDN), Asynchronous Transfer Mode (ATM), Frame Relay, and Internet protocol (including Voice-over-Internet Protocol). This list of packet technologies is NOT all-inclusive; other packet technologies anticipated to be supported by telecommunications service providers subject to CALEA are welcome to be contributed to the JEM.

The scope of the JEM does NOT include: (a) legal issues such as the scope of CALEA, including whether it covers any specific packet-mode communications technology; (b) interpretation of electronic surveillance laws or FCC orders or rules; or (c) the impact of encryption technology on lawfully authorized electronic surveillance other than as it affects the technical issues regarding the feasibility of delivering less than the full content of a packet (*i.e.*, addressing information only) to law enforcement in response to a pen register order. The fact that an organization or company contributes to the JEM regarding a particular packet technology is not an admission that CALEA applies to that technology, service, or company.

A Question-and-Answer Session regarding CALEA packet surveillance will be held via conference call on Monday, March 20, 2000 (2pm-4pm Eastern Standard Time) to provide an opportunity for potential contributors to better understand the purpose and scope of the JEM. Registration will be necessary to participate in this conference call. TIA intends to use electronic working methods and will request contributions to be such.

TIA has established a web site at [http://www.tiaonline.org/standards/CALEA\\_JEM/](http://www.tiaonline.org/standards/CALEA_JEM/) with registration information, background materials, Frequently Asked Questions regarding CALEA, and links to informative documents and web sites. For further information, please contact David Thompson at (703) 907-7749 or [dthompso@tia.eia.org](mailto:dthompso@tia.eia.org).

Dan Bart  
VP, Standards and Technology